

REMARKS

In the Office Action: claims 3-7, 13 and 14 were rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Pat. No. 6,267,913 (“the ‘913 patent”); and claims 4-7, 13 and 14 were rejected under 35 USC § 112, second paragraph for improper Markush language and typographical errors in certain Greek characters. The specification was also objected to on the grounds that the as the Examiner stated that the application should be considered a continuation rather than a divisional.

In response to the Office Action, claims 4-7, 13 and 14 have been amended without prejudice to correct both the requested Markush language and certain other Markush language, and to fix the typographical errors in the Greek characters. The specification has also been amended to claim priority as a continuation as requested. Support for the amendments may be found throughout the application as filed, for example in the original claims and as set forth in previous amendments. No new matter is added.

A terminal disclaimer is provided disclaiming without admission the term of this application over the term of the ‘913 patent. Withdrawal of the obviousness-type double patenting rejection is respectfully requested.

The amendments to the Markush language of the claims and to address the typographical errors are believed to overcome the rejections under 35 USC §112, second paragraph. Withdrawal of those rejections are respectfully requested.

The specification has been amended as suggested in the objection. Withdrawal of the rejection is respectfully requested.

Accordingly, all the rejections and objections having been addressed, allowance of the application is respectfully requested.

CONCLUSION

Allowance of the claims is respectfully requested. The Examiner may call the Assignee's attorney at (650) 849-4908 to further advance prosecution of this case to issuance.

If the Commissioner determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No. 50-2518, reference no. 7001465001.

Respectfully submitted,



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